UNITED STATES PATENT AND TRADEMARK OFFICE

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09/833,348	04/12/2001	Daniel Alan Brokenshire	AUS920010010US1	3792

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

_____

Ex parte DANIEL ALAN BROKENSHIRE, BRUCE D. D'AMORA,
GORDON CLYDE FOSSUM, CHARLES RAY JOHNS, JOHN SAMUEL
LIBERTY, and BRAD WILLIAM MICHAEL

_____

Appeal 2009-009243
Application 09/833,348[1]
Technology Center 2600

_____

Before MARC S. HOFF, CARLA M. KRIVAK, and THOMAS S. HAHN,
Administrative Patent Judges.

HOFF, *Administrative Patent Judge.*

DECISION ON APPEAL[2]

_____

[1] The real party in interest is International Business Machines Corporation.
[2] The two-month time period for filing an appeal or commencing a civil
action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing,
as recited in 37 C.F.R. § 41.52, begins to run from the "MAIL DATE"
(paper delivery mode) or the "NOTIFICATION DATE" (electronic delivery
mode) shown on the PTOL-90A cover letter attached to this decision.

STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134(a) from a Final Rejection of claims 1-23. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

Appellants' invention relates to a method and apparatus for generating antialiased lines for computer graphics display in a data processing system. Graphics data received by the data processing system includes primitives that define lines within the graphic image. The system uses gamma correction applied to the graphics data on a per primitive basis to form antialiased lines to be displayed. (Abstract).

Claim 1 is exemplary:

1. A method in a data processing system for antialiasing lines for display, the method comprising:
    receiving graphics data for display, wherein the graphics data includes primitives defining lines;
    applying a gamma correction to the graphics data on a per primitive basis to form the antialiased lines, wherein the gamma correction is applied only to the primitives defining lines; and
    displaying the antialiased lines.

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Warren	US.6,304,300 B1	Oct. 16, 2001
Deering	US 2001/0055025 A1	Dec. 27, 2001

Claims 1-7, 13-18, 19-20, 22, and 23 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Warren.

Claims 8, 11, and 12 stand rejected under 35 U.S.C. § 112, first paragraph, as based on disclosure which is not enabling.

Claims 9, 10, and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Warren in view of Deering.

ISSUES

Appellants contend that Warren does not teach or suggest "applying a gamma correction to the graphics data on a per primitive basis to form the antialiased lines, wherein the gamma correction is applied <u>only to the primitives defining lines,</u>" as claimed (App. Br. 12). Appellants assert that Warren explicitly teaches away from the present invention because Warren teaches that gamma correction is applied to all primitives (App. Br. 12).

With respect to the enablement requirement, Appellants argue that since the test for enablement is whether the Specification teaches those skilled in the art how to make and use the claimed invention without undue experimentation, a Specification need not teach what is well-known in the art (App. Br. 15-16). Appellants assert that the Examiner's request of providing the advantages and characteristics of each feature are irrelevant, and thus, not required to meet the enablement requirement (App. Br. 16; Ans. 5).

Appellants' contentions present us with the following two issues:

1. Does Warren disclose, *inter alia*, "applying a gamma correction to the graphics data on a per primitive basis to form the antialiased lines, wherein the gamma correction is applied only to the primitives defining lines"?

2. Does the Specification as originally filed provide enabling support for more than one bus, an Ethernet adapter, and a graphics adapter having a processor unit and memory?

FINDINGS OF FACT

The following Findings of Fact (FF) are shown by a preponderance of the evidence.

Warren

1.   Warren discloses a floating point gamma correction method and system wherein a geometry unit 902 converts graphical data from processor 804 into a screen coordinate system. Projection and transformation processes are performed by geometry unit 902 to give depth to a displayed object. The resulting primitives including points, lines, polygons, polyhedra, and the like are provided to a scan conversion unit 904 to generate pixel data based on the received primitives. This pixel data is generated by interpolating straight lines such that each intermediate value need not be separately calculated. Rasterization unit 906 performs Z-buffering, blending, texturing, and antialiasing functions on the pixel data. (Fig. 9; col. 10, ll. 43-65).

PRINCIPLES OF LAW

Enablement

Pursuant to 35 U.S.C. § 112, first paragraph, "[t]he test of enablement is whether one reasonably skilled in the art could make or use the invention from the disclosures in the patent coupled with information known in the art without undue experimentation." *United States v. Telectronics, Inc.*, 857 F.2d 778, 785 (Fed. Cir. 1988). Since the test is whether the disclosure is sufficient to enable those skilled in the art to practice the claimed invention, a specification need not disclose that which is well known in the art.

Lindemann Machinenfabrik GMBH v. American Hoist & Derrick Co., 730 F.2d 1452, 1463 (Fed. Cir. 1984).

Anticipation

Anticipation pursuant to 35 U.S.C § 102 is established when a single prior art reference discloses expressly or under the principles of inherency each and every limitation of the claimed invention. *Atlas Powder Co. v. IRECO, Inc.,* 190 F.3d 1342, 1347 (Fed. Cir. 1999); *In re Paulsen,* 30 F.3d 1475, 1478-79 (Fed. Cir. 1994).

Analysis of whether a claim is patentable over the prior art under 35 U.S.C. § 102 begins with a determination of the scope of the claim. We determine the scope of the claims in patent applications not solely on the basis of the claim language, but upon giving claims their broadest reasonable construction in light of the Specification as it would be interpreted by one of ordinary skill in the art. *In re Am. Acad. of Sci. Tech Ctr.,* 367 F.3d 1359, 1364 (Fed. Cir. 2004). The properly interpreted claim must then be compared with the prior art.

Obviousness

On the issue of obviousness, the Supreme Court has stated that "[t]he obviousness analysis cannot be confined by a formalistic conception of the words teaching, suggestion, and motivation." *KSR Int'l Co. v. Teleflex Inc.,* 550 U.S. 398, 419 (2007). Further, the Court stated "[t]he combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results." *Id.* at 416.

ANALYSIS

Claims 1-7, 13-18, 19-20, 22, and 23

Independent claim 1 recites "applying a gamma correction to the graphics data on a per primitive basis to form the antialiased lines, wherein the gamma correction is applied only to the primitives defining lines." Independent claims 7, 13, 19, 20, and 22 include limitations similar to claim 1.

We consider Appellants' arguments to be persuasive to show Examiner error. We do not agree with the Examiner's finding that Warren teaches that gamma correction is only applied to primitives defining lines to form antialiased lines (Ans. 7). Warren discloses that a geometry unit 902 converts the graphical data from processor 804 into a screen coordinate system (FF 1). The resulting primitives, including points, lines, polygons, polyhedra, and the like, are supplied to the scan conversion unit 904 to generate pixel data based on the received primitives (FF 1). The rasterization unit 906 performs Z-buffering, blending, texturing, and antialiasing functions on the pixel data (FF 1). Since Warren discloses that antialiasing is performed on the pixel data derived from *all* primitives including points, lines, polygons, polyhedra, and the like, Warren does not disclose the limitation that gamma correction is *only* applied to the primitives defining lines.

Therefore, we find that Warren does not disclose all the claimed limitations of representative claim 1. As a result, we will not sustain the Examiner's § 102 rejection of claim 1 and that of dependent claims 2-7, 13-18, 19-20, 22, and 23.

Claims 8, 11, and 12

Claim 8 recites "a primary bus and a secondary bus." Claim 11 recites "the communications unit is an Ethernet adapter." Claim 12 recites, "the processor unit and memory is located in a graphics adapter."

We consider Appellants' arguments to be persuasive to show Examiner error. We do not agree with the Examiner's finding that the Specification does not disclose enabling support for the claim limitations at issue (Ans. 6-7).

We agree with Appellants that the Specification does provide adequate disclosure to support the claim limitation (App. Br. 15). Specifically, the originally filed Specification discloses that these same claims and claimed limitations were present in the original Specification.

We agree with Appellants that the implementation of a primary and secondary bus is well known in the art; and therefore, need not be provided with additional disclosure regarding implementation within the data processing system (App. Br. 15). We further agree with Appellants that inclusion of an Ethernet adapter and a graphic adapter having a processor and memory is well known in the art (App. Br. 16).

We find no legal precedent or statutory regulation that requires Appellants must provide support of enabling disclosure by providing the advantages and characteristics of these claimed features as the Examiner has requested (Ans. 5).

Therefore, because Appellants' arguments have persuaded us of error in the Examiner's rejection of claims 8, 11, and 12 under 35 U.S.C. § 112, first paragraph, we reverse the Examiner's rejection.

Claims 9, 10, and 21

As noted *supra*, we reversed the rejection of claims 7 and 20 from which claims 9, 10, and 21 respectively depend. We have reviewed Deering (the additional reference applied by the Examiner to reject these claims), and find that the cited reference does not teach the limitations deemed to be absent from Warren.

We therefore reverse the Examiner's rejections of claims 9, 10, and 21 under 35 U.S.C. § 103, for the same reasons expressed with respect to the rejection of parent claims 7 and 20, *supra*.

CONCLUSIONS

Warren discloses, *inter alia*, "applying a gamma correction to the graphics data on a per primitive basis to form the antialiased lines, wherein the gamma correction is applied only to the primitives defining lines."

The Specification as originally filed provides enabling support for more than one bus, an Ethernet adapter, and a graphics adapter having a processor unit and memory.

ORDER

The Examiner's rejection of claims 1-23 is reversed.

<u>REVERSED</u>

gvw

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